

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 8, 1976
10:00 A.M.

Council Chamber
301 West Second Street

The meeting was called to order with Mayor Friedman presiding.

Roll Call:

Present: Councilmembers Himmelblau, Hofmann, Lebermann,
Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell

Absent: None

APPROVAL OF MINUTES

Mayor Pro Tem Snell moved that the Council approve the Minutes for July 1, 1976. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Linn, Trevino

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

EXECUTIVE SESSION ACTION

Mayor Friedman announced that the Council had met in an Executive Session earlier that morning and discussed appointments to various boards and commissions, as well as some legal matters.

The Council met with Acting City Attorney Don Wolf and Legal Consultant Don Butler to discuss several matters concerning the LoVaca situation as well as the Southern Union Gas matter that is pending before the Railroad Commission.

Motion

After some discussion and deliberation, Mayor Friedman moved that the Council instruct the City Attorney to work with Mr. Don Butler and instruct Mr. Butler that the City of Austin will not agree to select a higher gas price as proposed by the Railroad Commission; the City will not accept the intervention with our contract that the Railroad Commission has thrust upon us, and that we will further instruct the City Attorney to continuously work with Mr. Butler to meet with any interested party in trying to resolve some order out of the chaotic situation that LoVaca has worked on us, but that no decision will be made as far as any settlement or any agreement until there will be close scrutiny by the Council and the public. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Linn, Trevino, Mayor Friedman
Noes: None

Mayor Friedman stated this should be sufficient instruction to the Acting City Attorney and Mr. Don Butler on how to proceed - "We do not accept any increase in rates as the Railroad Commission would like us to."

Mayor Friedman commented that also discussed in the Executive Session was a matter concerning Southern Union Gas. The Railroad Commission has offered to Southern Union a rate of return far in excess of what normal sensibilities would accept as being reasonable. This has been discussed at some length for several weeks by the Council and Mr. Butler.

Motion

Mayor Friedman stated that in an effort to protect the rate payers who are being charged these rates by Southern Union, he moved that the Council instruct the Acting City Attorney and Mr. Don Butler to proceed to file any and all appeals that might be necessary to protect the rate payer and to discuss very clearly that while we are not sure that we have the chance of changing the rate of return that was ordered by the Railroad Commission, we are going to proceed with every area that we can to see that the rate payer is protected from the Railroad Commission's untimely and unwarranted action. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Mayor
Friedman, Mayor Pro Tem Snell, Councilmembers Linn, Trevino
Noes: None

Mayor Friedman also noted that in the Executive Session appointments were discussed and were now before the Council for action.

Brackenridge Hospital Advisory Board

Mayor Pro Tem Snell moved that the Council appoint the following to fill unexpired terms on the Brackenridge Hospital Advisory Board:

James Mosby
Fred Hansen, M. D.
Juan Ochoa

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None

Plumbing Code Board of Appeals

Mayor Friedman stated that last week the Council attempted to appoint two people; however, under the state statute they did not qualify due to a misunderstanding as to the exact wording of the statute.

Councilmember Trevino moved that the Council reappoint the following to the Plumbing Code Board of Appeals for 2-year terms to May 22, 1978:

John Kavanaugh - Appliance dealer
Alan Johnson - Gas utility man

The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann
Noes: None

Mayor Friedman pointed out that these appointees are on the Board and meet the requirements of the statute.

Ethics Review Commission

Mayor Friedman stated that one person to this Commission has been suggested by Common Cause, and the Council was waiting for the name from the Travis County Bar Association and the Certified Public Accountant Association.

Councilmember Trevino moved that the Council appoint the following to the Ethics Review Commission:

Judge James Hart
Mrs. Addie Phillips Crayton
Mary Ann Neely - representing Common Cause

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann
Noes: None

SCHEDULE OF APPOINTMENTS

Mayor Friedman stated that appointments to the following boards and commissions would be made on July 15, 1976:

1. Heating, Air Conditioning and Refrigeration Appeal Board - 2
2. Boggy Creek Ad Hoc Committee - 11

3. Navigation Board - 2
4. Board of Adjustment - 1
5. Building Code Board of Appeals - 2

AMENDING BRACKENRIDGE HOSPITAL BOARD ORDINANCE TO INCREASE
BOARD MEMBERSHIP

The Council had before it for consideration amending the Brackenridge Hospital Board Ordinance to increase board membership from 9 to 11 members.

Motion - Died

Councilmember Hofmann moved that the Council amend the Brackenridge Hospital Board Ordinance to increase board membership from 9 to 11 members. The motion died for lack of a second.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING SECTIONS 2-4, 2-5 AND 2-15 OF THE AUSTIN CITY CODE OF 1967, BY INCREASING THE NUMBER OF HOSPITAL BOARD MEMBERS, PROVIDING FOR THE TERM OF OFFICE OF SUCH MEMBERS AND PROVIDING FOR QUORUM REQUIREMENTS FOR CERTAIN BOARD HEARINGS; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, increasing board membership from 9 to 12 members. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Lebermann, Linn, Trevino

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman stated that this would include setting aside the terms that already exist and having the members appointed to 12 and draw lots whereby four members would be appointed each year starting next year.

Brackenridge Hospital Advisory Board
To fill newly created positions

Councilmember Trevino moved that the Council appoint the following to the Brackenridge Hospital Advisory Board to fill newly created positions:

Beverly Hovenkamp
Richard Goodman
David Warner

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Linn, Trevino, Mayor Friedman
Noes: None

PERMISSION TO HANG A BANNER

Councilmember Linn moved that the Council grant permission to Reverend John E. Driscoll, Pastor of Cristo Rey Parish, to hang a banner across 2nd Street at the intersection of 2nd and Corta, from July 19, 1976, to August 2, 1976, to advertise Annual Parish Bazaar. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Trevino, Mayor Friedman, Mayor Pro Tem Snell
Noes: None

REQUEST TO EXTEND WATER AND WASTEWATER SYSTEM

Mr. Jeryl D. Hart, Consulting Engineer for Mr. David B. Barrow, appeared before the Council requesting authorization to extend the water and wastewater system of the City of Austin to serve the subdivision known as Northwest Hills, Section 3. Mr. Hart commented that he had sent a letter to each of the Councilmembers concerning his request and the reason he was before the Council today was due to the impending adoption of an Approach Main Policy which states that any extension to the City's utilities, other than from an adjoining subdivision to a new subdivision, be approved by the Council.

Mr. Hart noted that the subdivision of 16 lots was recorded in 1960, but development was delayed because wastewater service was not available at that time. Development can now proceed due to the construction of the Crosstown Tunnel and the near completion of the approach main to the Cat Mountain Villas project.

In response to Councilmember Hofmann's question, Mr. Hart stated that this matter had not been reviewed by the Environmental Board since there was no requirement for any other review until the advent of the approach main consideration. The preliminary plan was approved 16 years ago and two sections were constructed, Northwest Hills, Section 1 and Section 2. Mr. Barrow has offered previously for the land to be used as a church site, but the neighbors indicated a preference for a residential development rather than a church. It was approved for septic tanks, but it is much preferable to install wastewater lines.

Motion

Councilmember Himmelblau moved that the Council grant authorization to extend the water and wastewater system of the City of Austin to serve the subdivision known as Northwest Hills, Section 3. The motion died for lack of a second.

In response to Councilmember Linn's question, Mr. Hart commented that this system will serve approximately 115 additional lots inside the City limits which are part of the Cat Mountain Villas project. This is part of the Lake Austin Watershed Study area.

Motion

Councilmember Hofmann stated that the Approach Main Policy would be completed very soon, and she moved that the Council postpone approval of this request until the approach main policy has been approved and then see how it fits into that policy.

Amendment to Motion

Councilmember Linn offered an amendment to Councilmember Hofmann's motion, whereby this request would be reviewed by the Environmental Board also. Councilmember Hofmann accepted this amendment. Councilmember Linn then seconded the motion.

Mr. Hart pointed out that the Northwest Hills Sections 1, 2 and 3 are outside the City limits and unless these areas are annexed to the City, there would be no refunding of the money by the City under the tentative Approach Main Policy. Councilmember Hofmann commented that she did not think the Approach Main Policy addressed itself only to refunding but also to the general approval of location of approach mains.

Substitute Motion

Councilmember Himmelblau moved that the Council approve the request to extend the water and wastewater system of the City of Austin to serve the subdivision known as Northwest Hills, Section 3. The motion was seconded by Councilmember Lebermann.

Councilmember Linn stated that she felt this matter should be presented to the Environmental Board for their comments and to allow them the opportunity to at least review the plans. Mr. Hart indicated that at the Planning Commission meeting he spoke with a member of the Environmental Board, Mr. Don Walden, and he submitted that this project would not in any way be contrary to the intents and purposes of the Approach Main Ordinance or the Lake Austin Plan.

In response to Mayor Friedman's question as to the cost of extending the line, Mr. Hart noted that Mr. David B. Barrow would bear the expense. Mayor Friedman stated that possibly the Planning Commission should review this request since they are the ones that help organize and control growth aspects of this community. He felt that no definite answer could be given today until some response was received on exactly what the Approach Main Policy would be and what extent the City needs to plan and develop our community.

Mr. Hart stated that Mr. Barrow had installed wastewater lines in streets in Section 1 and Section 2 and he asked if he could proceed to install water and wastewater lines within the subdivision itself and waiting for the approach main, so that wastewater would be available. Mayor Friedman felt that the request should be discussed by the Legal Department with the Water and Wastewater Department and then recommendations and information should be presented to the Council. City Manager Davidson informed Mr. Hart he would be glad to work with him on this matter.

In response to Councilmember Himmelblau's question, Mr. Hart stated that the plat had been filed. Mr. David B. Barrow pointed out that he developed Sections 1 and 2 in accordance with City specifications, streets, curbs and gutters, and installed the water and wastewater ahead of the sewer being available.

Roll Call on Substitute Motion

Roll Call on Councilmember Himmelblau's substitute motion, Councilmember Lebermann's second, showed the following vote:

Ayes: Councilmembers Himmelblau, Lebermann, Mayor Pro Tem Snell.
Noes: Councilmembers Linn, Hofmann, Trevino, Mayor Friedman

The Mayor announced that the substitute motion failed to carry.

Second Amendment to the Motion

Councilmember Linn offered a second amendment to the motion whereby the request would have to be reviewed by the Planning Commission as well as the Environmental Board. Councilmember Hofmann accepted the amendment.

Roll Call on the Amended Motion

Roll Call on Councilmember Hofmann's motion, Councilmember Linn's second, to postpone action on authorization to extend the water and wastewater system to serve the subdivision known as Northwest Hills, Section 3, until completion of the Approach Main Policy, and that the request be reviewed by the Environmental Board and the Planning Commission, showed the following vote:

Ayes: Councilmembers Hofmann, Linn, Trevino, Mayor Friedman
Noes: Councilmembers Himmelblau, Lebermann, Mayor Pro Tem Snell

The Mayor announced that the amended motion had carried.

Councilmember Himmelblau stated that it was sort of ridiculous to delay this matter.

APPEARANCE TO DISCUSS A ZONING CASE

Mr. Paul H. Wendler, Trust Real Estate Officer, Austin National Bank, requested to appear before the City Council to discuss Zoning Case No. C14-76-045; however, he stated that Mr. Chrys Dougherty would appear in his stead.

Before beginning his presentation, Mr. Dougherty stated that the Travis County Bar Board was meeting this afternoon to name its member to the Ethics Review Commission. Mr. Dougherty then presented pictures of the properties being discussed, 1907 and 1909 Whitis, which showed the interior as well as the exterior of the property. He felt that the Council had not been completely informed as to just exactly what was planned for the property. He stated that he was appearing as a trustee of the Graves family trust, and the Mary Studtman Graves trust. The Studtman property is owned, in part, by his wife, Mary Ireland Dougherty, and in part by the Twin trusts and estates.

In reviewing the various uses that have been considered for the property, Mr. Dougherty commented that both of the houses have been considered for historic landmarks. However, the one at 1907 has been so extensively modified that it could not be treated as a landmark. This is not the situation with the house located at 1909 Whitis, and it is still being considered by the Landmark Commission. Mr. Dougherty noted that he and his wife are extremely interested in historic preservation, and if this house is preservable and there is not a prohibitive cost, then he would consider having this done. He felt that whatever was located in the front of the house, additional parking would be needed.

Mr. Dougherty requested that since the suggested zoning change of "GR" General Retail, 1st Height and Area District, has been recommended, that this matter be recommitted to the Planning Commission to be presented with a more adequate explanation as to what is intended. He hoped that this request would be granted, and that it would go back to the Commission in a neutral posture. Mayor Friedman stated that any decision to refer it back to the Planning Commission would be without any kind of prejudice from the Council. This does not mean that it will not be voted down again, should it come before the Council.

Motion

Councilmember Linn moved that Zoning Case C14-76-045 be referred back to the Planning Commission for a full public hearing. The motion was seconded by Mayor Pro Tem Snell.

In response to Mayor Friedman's questions, Mr. Dick Lillie, Director of Planning, commented that it would be before the Planning Commission in August and before the Council in September. Mr. Dougherty suggested that it come before the Council in October, since he would be out of the country until then. Mayor Friedman indicated that this case would be heard by the Council at the first Council meeting in October.

Mrs. Mickey Dougherty pointed out that the front area is going to be beautified with trees and some of the parking is going to be removed. Mayor Friedman suggested that she work with the Planning Department and the Planning Commission as well as the Urban Transportation Department.

Roll Call on Motion

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann, Linn
Noes: None

PRESENTATION

Mayor Friedman stated that he had received a letter and a resolution that had been passed by the American Association of Airport Executives which he would like to present to Mr. Roy Bayless, Director of the Aviation Department, who is finishing his term as National President of the Association. Mayor Friedman then read and presented the resolution to Mr. Bayless. Mayor Friedman stated that the efforts of Mr. Bayless on behalf of the citizens and aviation have been outstanding. Mr. Bayless thanked the Mayor and Council.

PUBLIC HEARINGS TO CONSIDER:

1. Amendment to the City Code Relating to Construction Requirements in Urban Subdivision - Sidewalks and Public Crosswalks.
2. A proposed Ordinance relating to Construction and Repair of Sidewalks, Curbs, Gutters, Driveways and Setbacks.

Mayor Friedman opened the public hearings scheduled for 10:30 a.m. to consider the aforementioned items. Mr. Charles Graves, Director of Engineering, presented a brief overview of what the changes in the two ordinances would include. Mr. Graves made the following comments about the two ordinances:

Driveway Ordinance

1. The ordinance deals only with driveway approaches across public right of way.
2. Permit requirements are more specific than they were under the old ordinance.
3. Establishes a fee basis to compensate the City for inspections.
4. Requires a commercial driveway to be designed at applicant's expense rather than at City expense.
5. Requires the applicant to provide surveying.
6. Requires liability insurance to protect the contractor, the public and the City.
7. Adjusts the bonding requirement from \$1,000 per contractor to \$2,500 per contractor.
8. Provides administrative procedures which give all interested City departments and public utilities notice of an application and issuance of a permit to construct a driveway or to do any other work within the public right of way.
9. Replaces the detailed construction standards in the old ordinance with a reference to City standards for public works construction which have been in effect for the last two or three years.
10. Deals with drainage problem encountered previously whereby driveways have been constructed so as to admit water from the street down through the driveway onto private property and into homes.

Sidewalk Ordinance

1. Increases the extent of sidewalks required by the City to include a sidewalk on at least one side of every street.
2. Provides that the Planning Department may waive that requirement under certain conditions.

By the following procedure the two ordinances together assure the construction of sidewalks that are required by the Planning Commission:

1. When a driveway permit was applied for, that lot would be reviewed, and if there had been an earlier requirement for a sidewalk, construction of the sidewalk would be tied to the requirement for the driveway permit.
2. Both the sidewalk and the driveway would have to be completed before the certificate of occupancy would be granted for the residence.
3. At the end of two years, if certain portions of subdivisions still lacked the required sidewalks, then the City would proceed with their construction under the 100% assessment provision.

Councilmember Himmelblau suggested that the process be delayed for two years to let the builders build out as far as possible within that time period.

City Manager Davidson stated that 4 or 5 options had been considered and after seeing that the present policy was totally unsatisfactory, it was concluded that the patches were better than having blocks with no sidewalks at all.

In response to Councilmember Linn's question, Charles Graves stated that there would be a ramp for the mobility impaired at each obstacle on the block.

City Manager Davidson stated that all City departments concerned supported the two ordinances being presented. He felt that the ordinances would improve the quality of work being done, that it would free up the contractors and developers to get it done and that the City would be assured that work would be done as specified.

Mr. Graves concluded his summary by stating that the point of liability insurance was the most difficult one to resolve. The general consensus was that the liability should be placed on the contractor. Help for bonding small contractors could be obtained through the Small Business Administration. Mayor Friedman asked Planning Director Dick Lillie if the proposed ordinances would fit in with the Master Plan currently under study as well as the study of zoning and subdivision ordinances. Mr. Lillie stated that the ordinance was directed primarily to new subdivision development and did not speak specifically to older areas. It was in conformance with the goals program. The ordinance would accomplish the goal of getting children off the streets and onto sidewalks in the new subdivisions.

In response to Councilmember Himmelblau's question regarding curb cuts on undeveloped lots in a subdivision, Mr. Graves stated that if sidewalks were built in an area before driveway construction, it would be necessary to cut the sidewalk away similarly to cutting curbs. The same thing would occur in areas where sidewalks were built before the building. In response to Councilmember Himmelblau's question, Mr. Graves stated that whoever cuts through would be responsible to go ahead with the curb and gutter and that it would be tied to the driveway permit.

WOODROW SLEDGE, representing the Austin Independent School District and himself, supported the policy of building sidewalks on every street. He cited the example of Allandale West subdivision which was developed in the 1950's. The developer had built sidewalks on both sides of the street and by so doing, kept the property in great demand.

ERNESTINE CORNFURI stated that she would like to know if people living in the neighborhoods had any say as to the location of sidewalks on their property. City Manager Davidson stated that the Engineering Department normally had a standard that they used and that they notified property owners before building a sidewalk. Anyone having a question about the location of a sidewalk could contact the Engineering Department or the City Manager's office.

KEN ZIMMERMAN, representing the Austin Association of Builders, stated that his remarks were more of a report than an objection to the two ordinances. He was concerned as to how the ordinances would effect small contractors. Under Section 31-16.2 (Driveway Ordinance), Mr. Zimmerman stated that Paragraph 2 was unclear to him. He felt that there should be some distinction between a large and a small contractor doing driveway work. Under Section 31-16.3 Mr. Zimmerman felt that the authority in particular posed a good opportunity for considerable delay. In response to Mayor Friedman's questions, Mr. Graves stated that the Urban Transportation Department would be given the authority to prescribe geometric standards and that if that Department did not challenge the permit application within 10 days, then the standards were approved automatically. Under Section 31-17, Mr. Zimmerman stated that very few of the sub-contractors who were putting in driveways and sidewalks could be bonded. He assumed that they would be forced to go to work for large contractors.

In response to Mayor Friedman's question, Mr. Graves stated that bonding helped the City to perform high quality inspection and to require corrections of deficiencies. The contractor would correct a problem rather than have his bond called. In some instances, such as large commercial driveway contracts, more than a \$2,500 bond might be required. In response to Mayor Friedman's question, Mr. Graves stated that some other form of surety might work as well as a bond.

City Manager Davidson stated that the proposed \$2,500 bond was more adequate than the present \$1,000 bond. He was not aware that any of the present contractors had any problem in obtaining the \$1,000 bond. A special study would be made of the matter, and if it was found that a number of contractors would have trouble with the requirement, then some kind of optional program would be worked out or the matter could be brought back to the Council for consideration. He disagreed with Mr. Zimmerman's inference that smaller contractors would have to go to work for the big ones. He felt that the ordinances would provide the responsibility and knowledge to enable the small contractors to do more of the work. The City and the Council were committed to work with the small contractor.

In response to Mayor Friedman's question, Mr. Zimmerman stated that the insurance people told him that many of the present contractors who were bonded for \$1,000 would be ineligible for \$2,500 or more because of the financial history of the individual.

Under Section 31-18.(d), Mr. Davidson stated that that section would be enforced on a reasonable basis. It was not the intent of the ordinance to require a contractor to obtain a permit each time to unload a truck of concrete or lumber at a job site if he partially blocked a street temporarily.

Mr. Zimmerman felt that the section pertaining to the relocation of trees would be better if the definition were clearer.

In response to Mayor Friedman's question, Mr. Graves stated that all departments involved in a permit application would be given a simultaneous 10-day notice. Mr. Zimmerman felt that the requirement that a contractor buy a machine to make curb cuts was a rather elaborate solution to a minimal problem. Mr. Graves stated that two words had been omitted from that section and that the wording should have been "A saw cut or equal."

Under Section 31-24.2., Mr. Zimmerman asked if the requirement applied to existing properties. Mr. Graves stated that the requirement was retroactive, but applied only to any changes to sidewalks or driveways. The intent was to remove the City from any responsibility and place the burden on the property owner. Mayor Friedman stated that the section would not create a problem because no one in an older neighborhood would be required to change their current sidewalks or driveways.

Motion

Councilmember Linn moved the Council close the public hearings, approve the recommendations and instruct the Legal Department to write the proper ordinances with the amendment of the two words "or equal."

Mayor Friedman stated that if possible, some of the clarification given by Mr. Graves should be incorporated into the ordinances so that any question of interpretation down the road could be eliminated.

The motion was seconded by Councilmember Hofmann.

In response to Councilmember Himmelblau's question, Mr. Davidson stated that in the interim period before the ordinances were brought back he would get a clarification on the bonding requirement.

Roll Call

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn, Trevino
Noes: None

AFTERNOON SESSION 2:00 P.M.

Mayor Pro Tem Snell called the afternoon session to order noting that Mayor Friedman would be present shortly.

OPERATIONAL POLICIES FOR SPECIAL TRANSIT SERVICE

The Council had before it for consideration adopting proposed Operational Policies for special transit service. MR. JOE TERNUS, Director of Urban Transportation, presented an overview of the proposed policies being submitted to the Council for their consideration. The policy provides information on

eligibility criteria, priority of service, hours of operation, scheduling of trips, application for service, and personalized service. It was developed based on valuable input from public agencies, private organizations and firms.

In order to provide a greater insight into the anticipated administration of the special service, the Austin Transit System has prepared an implementation procedure manual which was attached to the information prepared for the Council.

In referring to the policy, Mr. Ternus noted that there was one typing error made under "Hours of Operation." The operations that are proposed for Sunday are from 9:00 a.m. to 1:00 p.m. and from 5:00 p.m. to 9:00 p.m. This particular policy is recommended for the Council's consideration and has been reviewed by the Transportation Commission and unanimously endorsed.

CHARLES ESKRIDGE expressed his thanks for this policy and felt it had been created with a great deal of work from many people. In referring to Page 2 of the policy, Mr. Eskridge asked that included in the "Priority of Service" would be the word "school" added to medical trips by the transit restricted and transit limited. Mr. Ternus stated that this addition would be no problem, and he would recommend it.

Motion

Councilmember Linn moved that the Council adopt a resolution approving the proposed Operational Policies for special transit service and to include the word "school" under Priority of Service, Sections 1 and 2. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau,
Hofmann, Lebermann, Linn, Trevino

Noes: None

Not in Council Chamber when roll was called: Mayor Friedman

ESTABLISHMENT OF FARE STRUCTURE FOR SPECIAL TRANSIT SERVICE

MR. JOE TERNUS stated that this service is a personalized group type of service which would be a door-to-door service similar to a taxicab operation and also a group service similar to regular transit services. Since the special service has characteristics which are between route and taxicab services, Mr. Ternus felt that the fare should be more than the transit fare but less than the taxi fare. It is important that a fare be selected that will not unduly restrict the mobility of those who would use the service, and will not adversely effect taxicab operations. There should be sufficient difference between the regular route transit and the special transit fares, so that those who could use either will tend to continue on the regular route service.

This matter has been discussed with representatives of organizations, public agencies, taxicab companies and interested individuals. Based on the information received from these citizens and data developed by his staff, Mr. Ternus felt that the basic fare for the special service should be established at \$1.00 per trip. Special attendants and aides who are required to travel with disabled riders could travel free. Mr. Ternus stated that he would like to study the regular service or repeat service on the transit system in the next

couple of weeks and come before the Council on July 29 with an additional proposal for a specific fare that would apply to this category. He felt that the \$1.00 per trip for people who use the system on an irregular basis was not excessive.

Councilmember Linn asked Mr. Ternus if he was familiar with the Mass Transportation Act dealing with the rates charged to the elderly and the handicapped, and Mr. Ternus commented that the particular provision referred to by Councilmember Linn pertains to the regular transit route service. In order for the City to be eligible for federal operating assistance, the fares must be one-half the regular price for the elderly and mobility impaired during off-peak periods. The Council, approximately two years ago, established a one-half fare during off-peak periods for everyone on the regular route system. The fare on the specially equipped buses will still be \$1.00. The policy and fare structure has been reviewed with the Federal government and received their approval. Councilmember Linn expressed concern about the \$1.00 fare and felt it could place a burden on the mobility impaired since they make several trips from their homes every day. She suggested that a fare of 50¢ per trip would be reasonable.

Mayor Friedman felt that once a service like this is available to the handicapped, it will be heavily used and possibly have a bigger demand than what is being projected. He suggested that it would be better to begin with a lower fare such as \$1.00 for a round trip.

In response to Councilmember Trevino's question, Mr. Ternus stated that if a person requires that a medical attendant travel with him then this would be done at no charge. Proof of the necessity to travel would be by way of a doctor's certificate.

Councilmember Himmelblau suggested the possibility of issuing a card once a month for those who would be using the service repeatedly. Mr. Ternus noted that this is a good approach in addressing the fares, and he would be studying the system and those that use the service considerably would receive a substantial discount. Councilmember Himmelblau felt that consideration should be given to those going to school and work.

MR. BILL MOORE, Urban Transportation Commission, stated that the Commission considered this issue at its last meeting and addressed the concerns of the Commission regarding the fare structure:

1. Having the fare so low, that persons using the transit system now would stop and start using the door-to-door system.
2. Comparisons of the fare paid on the transit system now to the percent to be paid by the user of the special transit service.
3. Concerns about the fiscal crisis involving the City at the present time.
4. The difference in character of this type of service.
5. Difference of opinions concerning the setting of the fare and what it should be and Mr. Moore felt it should be constantly monitored.

Mr. Moore stated that the Commission felt the net result to the mobility impaired individual is the same as the regular transit service for the non-mobility impaired, and he wondered why there should be any difference in price. It was also felt that this service would not have any adverse bearing on the taxicab service. In conclusion, Mr. Moore commented that the Commission voted 5 to 3 in favor of the \$1.00 fare and the policies as recommended by the Urban Transportation Department.

CHARLES ESKRIDGE appeared in opposition to the proposed \$1.00 fare per trip and proposed that a fare of 50¢ would be ample and acceptable. Most of the people who will be using the system are on fixed incomes and \$1.00 per trip is a little high. He stated that he was in favor of the monthly charge for those who use the system on a regular basis.

NADEA GIZELBACH, Director of Capital Area Rehabilitation Center, expressed her appreciation for this new transportation system but was concerned about the fare. She felt that the \$1.00 fare was too high and a more equitable one should be established. In response to Councilmember Hofmann's question of the fare being 75¢, Mrs. Gizelbach commented that this was still a lot of money. Councilmember Himmelblau felt that time was needed in order to work with these concerned citizens and Mr. Ternus to reach a more equitable fare.

PAM WETZELS stressed the importance of having transportation for the handicapped, since many of them cannot go in a car. She felt that if the fare to use the transportation system is too high, then it would discourage many from using it. She stated that in order to obtain the real count of how many handicapped persons there are, there would have to be a lower fare for the transportation system.

DICK HODGKINS felt that a social problem exists in this situation and suggested that the fee set be a reasonable one that could possibly be based upon the financial situation of the individual. Mr. Hodgkins suggested using the same guidelines that are utilized by the Housing Authority.

Councilmember Linn instructed the staff to come back to the Council with a reduced monthly rate proposal at a later date. City Manager Davidson asked if the Council would consider instituting the program for the remainder of this year at \$1.00 until certain data can be compiled. If the fare is cut from the recommended \$1.00 per trip, it will involve some additional City funding of approximately \$40,000 on an annual basis, which will be difficult to obtain at this point. Mr. Ternus stated that it would involve about \$2,500 between now and October 1, 1976, that would be lost. Mayor Friedman felt that the money could be obtained from some of the other areas of City funding and that these people needed this service very badly.

Mr. Ternus stated that he would be glad to study some of the suggestions presented especially the one by Mr. Hodgkins. City Manager Davidson stressed that the staff would certainly carry out the wishes of the Council, but that all should recognize that any policy that will cost the City additional funding is going to be a hardship for the City.

Mayor Friedman stated he was confident that the necessary money could be obtained to get this program in operation and see how it does operate on the 50¢ fare. There is the possibility that in the budget next year the fare will have to be raised to a \$1.00.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NOS. 740314-A, 750116-E, AND 750130-F, ESTABLISHING THE RATES TO BE CHARGED FOR SPECIAL TRANSIT SERVICE OF THE AUSTIN TRANSIT SYSTEM; PROVIDING FOR WHO SHALL BE ELIGIBLE FOR SUCH SERVICE; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency, and finally pass the ordinance effective immediately, establishing the fare structure for special transit service as being 50¢ per trip. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Trevino, Mayor Friedman, Mayor Pro Tem Snell

Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilmember Lebermann thanked Mr. Ternus and the Urban Transportation Commission for their work and effort on this project, and felt that as the Council moves toward budget time the transcripts of the review of this matter be brought forth for further study.

Mr. Ternus expressed his appreciation to the Council for their consideration on this matter.

PUBLIC HEARING ON APPLICATION OF CAPITAL AMBULANCE SERVICE FOR AMBULANCE FRANCHISE

Mayor Friedman opened the public hearing scheduled for 2:30 p.m. to consider an application of Capital Ambulance Service for an Ambulance Franchise. MR. GENE CHAPLINE, attorney representing Capital Ambulance Service, stated that this application was only for a transfer service and not an emergency service.

Mr. Chapline stated that Capital Ambulance is owned and operated by Mr. Dale Owens who is a citizen of Austin. Capital Ambulance has been in operation for five years, three of those years being at the address of 11309 Tedford which is in the City limits. Mr. Chapline then reviewed the staff of Capital Ambulance and noted that the firm has seven vehicles. Mayor Friedman pointed out that the address quoted by Mr. Chapline was not in the City limits and has not been annexed.

In continuing his presentation, Mr. Chapline pointed out that all of the ambulances belonging to Capital Ambulance Service have all of the necessary equipment required by the Texas Health Department and the City Code. The City Code charges the Council with the responsibility of determining whether there is a public convenience and necessity which will be served by the issuance of a franchise. At this time, Mr. Chapline reviewed with the Council each one of these considerations and the qualifications of Capital Ambulance with regard to each.

1. The need of the general public for additional ambulance and transfer service and whether reasonably adequate ambulance service exists. This may include the evidence of the records and statistics of the Police Department, the Fire Department and the Health Department, and any other relevant and material evidence.

Mr. Chapline distributed to the Council a map which depicted the number of calls made by Capital Ambulance Service from January 1 through the end of March. He felt that this map showed that there was a need for a transfer service within the City limits of Austin. He then referred to two incidents that involved transfers within the City by the Emergency Medical Service that, in his opinion, were not performed adequately.

2. The distance from the permanent address at which the applicant proposes to operate the ambulance service to hospitals providing service to the public.

Mr. Chapline noted that 11309 Tedford is just north of Braker Lane and very near to I.H. 35, thereby easily accessible to every major hospital.

3. The number of ambulances and transfer vehicles which are available to provide service in the area in which the applicant proposes to furnish such service, and whether granting the franchise will create ruinous competition and public inconvenience.

As noted previously, there are seven vehicles available which have been operating in Travis County for some years. The second part of this consideration concerning the creation of ruinous competition and public inconvenience by the granting of this franchise certainly should be no problem. Mr. Chapline submitted that there would not be ruinous competition, and felt that all of the ambulance companies cooperate very closely in making emergency calls outside of the City.

4. The record of responses to the police dispatcher's calls. This may include information as to length of time required to arrive at the place of an emergency after a request for such service and information as to calls declined and hours of the day during which service in such area may be curtailed for any reason.

Mr. Chapline stated that most of this would not apply in this instance because Capital Ambulance is not asking for emergency service; however the run log has been submitted to the Council for inspection. There will not be any curtailment of service since Capital Ambulance operates on a 24-hour basis every day of the week.

5. Density of population.

Due to the recent annexation of an area that was served by Capital Ambulance and the 312,000 citizens already in the City, Mr. Chapline submitted that the citizens would be better served by having seven or eight vehicles available for transfer service.

6. The number of ambulances and transfer vehicles which will be covered by the franchise and the hours during the day and days during the week that the applicant proposes to furnish such service.

Mr. Chapline felt this had been explained already.

7. In the event the applicant has previously participated in furnishing ambulance or transfer service, evidence as to whether the applicant performed such service in a satisfactory manner.

Mr. Chapline reiterated that Capital Ambulance had been in business for five years and has had contracts with many nursing homes and companies in the Austin area. Letters of satisfied customers have been submitted to the Urban Transportation Commission. A letter that was distributed to the Council was a letter from Dr. William E. McCarron, a cardiologist in Austin, which stated that he was sure Capital Ambulance could render prompt and efficient service. Mr. Chapline also noted another letter which was from Mr. David P. Baker, Administrator of Delwood Nursing Home, Inc., strongly urging the Council to approve the franchise applied for by Capital Ambulance.

In conclusion, Mr. Chapline felt that it was in the public need to have more vehicles available for transfer service within the City.

In response to Mayor Friedman's question, Mr. Chapline commented that application for this franchise was prompted by the recent annexation of the area that was previously served by Capital Ambulance. One of the main establishments served by Capital Ambulance which can no longer be served is the Northwest Mediplex. Mr. Doyle Graham, Administrator of the Northwest Mediplex, appeared before the Urban Transportation Commission and expressed his disappointment that he would no longer be using Capital Ambulance. He noted one incident where a patient waited for five hours for an Emergency Medical Service unit to arrive for a transfer.

In response to Mayor Friedman's question, Mr. Chapline stated that the loss of the monetary contract with Northwest Mediplex and the annexation have prompted this application for a franchise. Operation of the vehicles would be from the address quoted earlier and from the garages in the Seton, Shoal Creek and Medical Park Tower.

In response to Councilmember Linn's question, Mr. Chapline commented that he had documented cases where patients did have to wait anywhere from three to six hours for an EMS transfer unit.

MR. WOODROW SLEDGE stated that he had utilized the service of Capital Ambulance and was very impressed with it. He felt that the public interest would be served better by maximizing this service.

Mr. Bill Lever, Director of the Emergency Medical Services, stated that the incidents referred to by Mr. Chapline in which patients had to wait long periods of time for transfers from the EMS units were isolated cases and would be investigated. He noted that the EMS units average about one transfer per day to the Northwest Mediplex and he felt that there was not a necessity for this franchise to be granted. In response to Mayor Friedman's question, Mr. Lever

stated that the EMS equipment was capable of meeting the demands of the system including the expanded area recently annexed.

City Manager Davidson stated that a report would be forthcoming concerning the delays referred to by Mr. Chapline. Mr. Joe Ternus, Director of Urban Transportation, commented that the five-hour delay referred to by Mr. Chapline was questioned by the Urban Transportation Commission and the administrator of the Northwest Mediplex felt that EMS or Capital Ambulance had caused any more than a 45-minute delay for any of his patients. Mr. Ternus felt that the five-hour delay was possibly a misunderstanding and was not a valid point. Mr. Ternus felt that the City was capable of providing service to the newly annexed area and that a need for additional transfer service was not shown.

Mr. Bill Moore, Urban Transportation Commission, stated that the Urban Transportation Commission considered this application for a franchise and felt that granting this franchise would create a duplication of service which is already being performed by the EMS. The Commission recommended that the application be denied and commended Mr. Lever and his staff for doing a fine job.

MR. DALE OWENS, owner of Capital Ambulance, pointed out that since the recent annexation, he had lost 42% of his business and it would mean a loss of money for the vehicles and employees. He felt that it was very important to have another transfer service for the City of Austin thereby allowing more of the EMS vehicles to be used for emergency calls.

Mr. Chapline referred to the City Code requirement of having a permanent operating address within the City limits and proposed that the permanent operating address would be in the Northwest Mediplex if the franchise application is granted. Mayor Friedman pointed out that the address has to be established before the franchise is granted.

Motion

Councilmember Hofmann stated she took ~~seriously~~ the unanimous recommendation of the Urban Transportation Commission; therefore, she moved that the hearing be closed and that the Council deny the application of Capital Ambulance Service for an Ambulance Franchise.

Amendment to Motion

Mayor Friedman offered a friendly amendment to the motion whereby the Council does not find a public need or necessity and in the best interest of the community this franchise should be denied. Councilmember Hofmann accepted the amendment. The motion and the amendment ~~were~~ seconded by Mayor Pro Tem Snell.

Roll Call on the ~~M~~ended Motion

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None

The Mayor announced that the application of Capital Ambulance Service for an Ambulance Franchise was denied.

RELEASE OF EASEMENTS

Councilmember Linn moved that the Council adopt a resolution authorizing release of the following easement:

The Public Utilities Easement that covers the west five (5.00) feet of the north 40.00 feet of Lot 7, Block F, Industrial Terrace Section One, Amended and the east five (5.00) feet of Lot 8 in said Block F. (Requested by Richard A. Haberman, owner of Lots 7 and 8, Block F)

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmember Lebermann, Linn, Trevino, Mayor Friedman,
Mayor Pro Tem Snell, Councilmembers Hofmann

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

Councilmember Linn moved that the Council adopt a resolution authorizing release of the following easement:

The south two and one-half feet of the north seven and one-half feet of the east 85.00 feet of Lot 6, Block A, The Woodland Village of Anderson Mill, Section One, also known as 12304 Egret Circle. (Requested by Mr. Jack Pfunter, owner of said Lot 6, Block A) (Applicant present)

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmember Lebermann, Linn, Trevino, Mayor Friedman,
Mayor Pro Tem Snell, Councilmember Hofmann

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

COST DIFFERENCE PAYMENTS

Councilmember Hofmann moved that the Council adopt a resolution authorizing payment to the following:

SPICEWOOD DEVELOPMENT CORPORATION, Mr. J. H. McCullick, President, the cost difference of 12" ~~8~~" water mains installed in Spicewood at Balcones Village Section Six - \$4,247.36.

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Hofmann, Lebermann

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

Councilmember Hofmann moved that the Council adopt a resolution authorizing payment to the following:

MR. ODAS JUNG, the cost difference of 12 $\frac{1}{2}$ "/8" water mains installed in Ben White Commercial Subdivision, Lots 7 and 8 - \$2,763.34.

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Hofmann, Lebermann

Noes: None

Abstain: Councilmember Himmelblau

CONTRACTS AWARDED

Councilmember Trevino moved that the Council adopt a resolution awarding the following contract:

ELGIN-BUTLER BRICK COMPANY
4000 North I.H. 35
Austin, Texas

- Bricks, 3-hole, Twelve Month Supply Agreement, including option for twelve months extension. Item 1 - estimated 150,000 @ \$60.00/M; Estimated total \$9,000.00/yr.

The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn

Noes: None

In response to Councilmember Hofmann's question as to what the bricks would be used for, City Manager Davidson stated it would be for miscellaneous repairs by various departments.

Councilmember Trevino moved that the Council adopt a resolution awarding the following contract:

O. M. SCOTT & SONS
4403 Continental
Alief, Texas

- Fertilizer, Parks and Recreation Department.
Item 5 - \$5,874.00

The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn

Noes: None

Councilmember Trevino moved that the Council adopt a resolution awarding the following contract:

H & H CONCRETE CONSTRUCTION
COMPANY
203 Comal
Austin, Texas

- West 39th Street Easement Storm Sewer
from Shoal Creek to 150 feet west of
Petes Path - \$52,958.00.

The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem
Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn
Noes: None

Councilmember Trevino moved that the Council adopt a resolution awarding the following contracts:

Bid Award:

- Fire Trucks, Vehicle & Equipment
Services Department.

WARD LA FRANCE
Grand Central Avenue
Elmira Heights, New York

- Item 1; 3 ea. @ \$66,500.00
Total \$199,500.00

SEAGRAVES FIRE APPARATUS
FWD Road
Clintonville, Wisconsin

- Item 2; 1 ea. @ \$115,663.00

The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Lebermann, Linn
Noes: None

REVISED BOUNDARY FOR URBAN SYSTEM

The Council had before it consideration of approval of revised boundary for the Urban System. The area to be approved extended from just south of F.M. 2244 along the west line of MoPac to the intersection of Highway 290 with South Lamar Boulevard and included a triangular area lying between Loop 360, MoPac south to Highway 290 and South Lamar Boulevard.

The reason for requesting the revision was to allow the Policy Advisory and Steering Committee of the Austin Transportation Study to review any federally funded projects in the area under consideration. Projects lying outside the present boundary did not require endorsement by that planning group.

Councilmember Lebermann pointed out that the Policy Advisory Committee felt that the boundary needed to be expanded, but that it also needed the final review and approval of each entity composing the Austin Transportation Study office.

In response to Mayor Friedman's question, Mr. Joe Ternus stated that revising the boundary did not authorize or change any options the Council might have on any of the projects, but simply gave an idea as to where the Council had some say on the projects. Councilmember Trevino stated that if the boundary were revised, that the Austin Transportation Study Committee would make any final decisions and not the City and County. Mr. Ternus stated that the point was accurate, but that the Committee existed at the pleasure of the Council. He felt that when the Council reviewed the MoPac study and was able to set forth specific policies, that the Committee would follow the direction given by the Council. If the Committee did not follow the interest of the City, then the City, County and State could modify the agreement.

In response to Mayor Friedman's question, Mr. Ternus stated that authority rested with the City, County and State regardless of the Urban System. The most significant aspect of control was the agreement between the City and the State regarding design of a particular facility. The State could only endorse projects but could not endorse design features.

In response to Councilmember Trevino's question, Mr. Ternus stated that at present the Transportation Committee did not have authority to veto MoPac from Loop 360 to Highway 290. The County had sole authority to buy right of way to extend MoPac in that area.

In response to Councilmember Linn's question, Mr. Ternus stated that if the boundary were extended, then any land purchased for MoPac in that area required an agreement between the County and the State and endorsement by the Policy and Steering Committee. No one could force the County to buy the right of way, but the Policy Advisory and Steering Committee could block the use of federal funds for buying the land.

Councilmember Lebermann stated that if the Policy Advisory and Steering Committee signed off on the Transportation Improvement Project without having approval of the revised boundary, then the City could lose some specific federal funding. Councilmember Trevino stated that he had no problem with the boundary which had already been approved. He then asked if any federal funds would be lost if the revised boundary were rejected. Mr. Ternus stated that the local planning organization (Austin Transportation Study) had to submit by July 15, 1976, a list of projects which they were endorsing for federal funds. One project was the area between Bee Caves Road and Loop 360. He did not believe that any funds were anticipated between Loop 360 and Highway 290.

In response to Councilmember Trevino's question, Mr. Ternus stated that the southern extension south of Loop 360 was not crucial, but north of Loop 360 was crucial. In response to Councilmember Trevino's question, Mr. Ternus stated that the boundary map could be revised at any time. The present revision was to correct an oversight.

In response to Councilmember Trevino's question, Mr. Ternus stated that the Council could reject the portion under consideration, submit what already had been approved and at a later date, could amend it to include that portion. By taking no action, the Council would leave standing what already had been approved.

Councilmember Hofmann stated that she attended a recent public hearing where State Highway District Engineer Travis Long said that there would be money spent for an engineering study on the extension from Loop 360 to Highway 290.

Mayor Friedman stated that there was an effort at the administrative and Congressional levels to remove local government input from the Metropolitan Planning Organization. If the provisions were approved, then control of future transportation projects would be at the State level, with only advisory opinions from local government officials. He suggested that while the Council was haggling over the present item, it might be giving away not only inferential control, but total control.

Mr. Ternus stated that the July 15 deadline could not be met because the County Commissioners did not have approval of the revised boundary on the agenda for their July 12 meeting.

Councilmember Lebermann stated that he felt that an affirmative vote to expand the Urban System's map was appropriate for the Council. He agreed with Mayor Friedman that some longterm risks were involved if the Council did not approve the revised boundary.

Councilmember Trevino stated that he hated to make a decision on an area that was the primary jurisdiction of the Commissioner's Court. He was also concerned that the Commissioners had serious questions and had deferred action on the matter. Councilmember Lebermann then asked Mr. Jack Payne, aid to County Commissioner Johnny Voudouris, why the item was not placed on the Commissioners Court agenda for Monday, July 12. Mr. Payne stated that two Commissioners had reservations about the ramifications of the change regarding control over certain projects, specifically MoPac south from Bee Caves Road to Loop 360, as well as on Highway 290. Councilmember Lebermann felt that if carving out various aspects of the total transportation network were continued, then eventually the entire structure of the planning organization and the Metropolitan Planning Organization would be brought down. Federal funding then would be more difficult if even possible to obtain for transportation projects.

Councilmember Hofmann stated that if she understood the Mayor correctly, then she would withdraw her earlier questions and say that the map should be approved. Councilmember Hofmann stated that she would like Mr. Ternus to repeat that none of the projects could go ahead without Council approval because she was told differently last year by Travis Long. Mr. Ternus stated that he believed that the Policy Advisory and Steering Committees would endorse any project the City Council approved.

Councilmember Lebermann stated that the Policy Advisory Committee recently came forward with an interim transportation report which specifically referenced the Austin Tomorrow Program, the new Master Plan, the Lake Austin Plan and all aspects of Planning in which the City was involved. The report indicated positively that the plans would be a part of the total transportation plan in the metropolitan area. He was assured that the Policy Advisory Committee would not try to fly in the face of local units of government that made up the body of the Austin Transportation Study group.

Mayor Friedman stated that any decision on the revised boundary still did not override the decision by a majority of the Council and staff input indicating that if it were to be built, it would be a Loop 360 to Highway 183 program on MoPac. Approval of the map did not waive any control over any project.

Motion

Councilmember Himmelblau moved that the Council adopt a resolution approving the revised boundary for the Urban System as shown on the map before the Council. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Lebermann, Linn
Noes: Councilmember Trevino

Mayor Friedman stated that it was understood that approval of the revision did not waive any control but actually solidified control of the planning process.

ROUTE CHANGES FOR UNIVERSITY OF TEXAS SHUTTLE BUS SYSTEM

Councilmember Linn moved that the Council adopt a resolution authorizing route changes for the University of Texas shuttle bus system during the 1976-77 school year. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Lebermann, Linn, Trevino, Mayor Friedman
Noes: None

In response to Councilmember Himmelblau's questions, Mr. Ternus stated that the changes would remove some parking congestion and safety problems that are being experienced on other City streets. Councilmember Himmelblau suggested that the University be contacted in regard to their emission control on the buses and the possibility of having it improved. Mr. Ternus stated he would contact them.

APPLICATION TO DEPARTMENT OF TRANSPORTATION FOR TECHNICAL STUDIES GRANT

Councilmember Trevino moved that the Council adopt a resolution authorizing the submission of an application to the Department of Transportation, Urban Mass Transportation Administration, for a Technical Studies Grant of \$70,000 with a local match of \$17,500. (Total cost \$87,500; local match provided through in-kind services). The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Trevino, Mayor Friedman, Mayor Pro Tem Snell
Noes: None

ACCEPTANCE OF A GRANT FOR SENIOR LUNCHEON PROGRAM

Councilmember Himmelblau moved that the Council adopt a resolution for authorization to accept a Federal grant of \$13,200 through the Capital Area Planning Council in support of the Senior Luncheon Program currently operated by Parks and Recreation Department. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Hofmann, Linn, Trevino, Mayor Friedman,
Mayor Pro Tem Snell, Councilmember Himmelblau

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

ACCEPTANCE OF A GRANT TO OPERATE INFORMATION AND REFERRAL SYSTEM FOR
OLDER ADULTS - POSTPONED

The Council was to consider authorization to accept a Federal grant of \$35,612 through the Capital Area Planning Council to operate an Information and Referral System for older adults; however, this item was postponed until July 15, 1976.

GRANT APPLICATION FOR OPERATION OF COMMUNITY ACTION PROGRAM

Councilmember Trevino moved that the Council adopt a resolution for authorization to submit a grant application to the Community Services Administration for \$600,000 for operation of Community Action Program for the period October 1, 1976, to September 30, 1977. (CSA funding \$420,000; City cash match \$132,000; City in-kind \$43,000) The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

ADOPTION OF WALLER CREEK DEVELOPMENT PLAN

Councilmember Himmelblau moved that the Council adopt a resolution adopting the Waller Creek Development Plan in principle subject to the City of Austin Master Plan and all of its components and directing the administration to proceed with segments of the plan for which funding is available. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann

Noes: None

REQUEST FOR AMENDMENT TO RESTRICTIVE COVENANT ON A ZONING CASE

The Council had before it for consideration an amendment to a restrictive covenant on Zoning Case No. C14-67-212 at 3405-3411 Oakmont and 1811-1815 West 35th Street as requested by Mr. C. C. Cook, Dorothy Bryant Cook and Mae Minette Bryant.

Mr. Dick Lillie, Director of Planning, stated that the Council referred this request to the Planning Commission for review and comment. A public hearing was held and recommended that the provision be amended to read as follows:

"That of said property now legally identified as three separate lots, the two lots currently known as 1815 West 35th Street and 3405 Oakmont Boulevard shall hereafter be considered and utilized as one parcel of land if developed or used for any purpose other than a purpose or use allowed in "B" Residential areas as permitted in the Zoning Ordinance of the City of Austin as of January 1, 1968; provided, further, that said two lots may be utilized for a use permitted in an "LR" district when used in conjunction with, or as an accessory to, development on the third lot currently locally known as 1811 West 35th Street."

Mr. Lillie stated that the Commission had some concern about the access to Oakmont and after he reviewed the covenant, he did not find specific language in it that prohibited access to Oakmont; therefore, he recommended that the Council consider the following addition to the amended covenant:

"and that no access shall be provided to Oakmont Boulevard should these lots be utilized for uses permitted in "O" or "LR" District"

Mr. Cook stated he is in agreement with this additional amendment.

MR. C. C. COOK, the applicant, commented that he had no plans to establish anything that would be objectionable to the neighbors. Mayor Friedman pointed out that the Council had received a letter from Mr. Skip Smith, 3304 Oakmont Boulevard, stating he was in agreement with the change as amended by Mr. Lillie.

Councilmember Himmelblau moved that the Council adopt a resolution authorizing an amendment to a restrictive covenant on Zoning Case No. C14-67-212, at 3405-3411 Oakmont and 1811-1815 West 35th Street as requested by Mr. C. C. Cook, Dorothy Bryant Cook and Mae Minette Bryant as recommended by the Planning Commission, and include the amendment as outlined by Mr. Lillie. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem
Snell, Councilmembers Himmelblau, Hofmann, Lebermann
Noes: Councilmember Linn

RECOMMENDATIONS OF AIRPORT MASTER PLAN COMMITTEE

The Council had before it for consideration recommendations of the Airport Master Plan Committee as follows:

1. Authorization to pursue possible joint use of Bergstrom Air Force Base for the purpose of establishing a new Municipal Airport and to authorize submission of an appropriate documentation and inquiries to Federal Officials.
2. Authorization of consultant to complete interim long range plans for Robert Mueller Airport.

MR. HOWARD SIMMONS, appeared in favor of this idea of moving operations of the airport to Bergstrom Air Force Base. He submitted to the Council a resolution containing his recommendations for the airport. Mr. Simmons commented that his main concern was the design of the terminal building and suggested that a design competition be conducted with a \$25,000 first prize for the architect that presents the best terminal design. Mayor Friedman stated that he appreciated the comments presented by Mr. Simmons.

Councilmember Himmelblau made the following statement for the record:

"At this time we have the opportunity to plan for the future and we have the benefit of several options - the obligation to the general aviation community and Austin as well as those who are dependent upon commercial carriers is apparent. Also Bergstrom Air Force Base is a very important part of our community and we should do everything possible to avoid minimizing their value to Austin. Whatever the final decision will be, it is important that we base it not only on costs or convenience but also on the impact of that decision on members of the general aviation and Bergstrom communities. Special efforts should be made throughout the entire process to insure that the needs of these groups receive special attention. If at any time during the planning process it appears that we are jeopardizing services provided to these groups, then the Council should at that point reconsider its decisions."

Councilmember Himmelblau moved that the Council adopt a resolution and instruct the City Manager to (1) pursue possible joint use of Bergstrom Air Force Base for the purpose of establishing a new Municipal Airport and to authorize submission of an appropriate documentation and inquiries to Federal Officials; (2) to authorize our consultant to complete the Master Plan Study for Robert Mueller Airport. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau, Hofmann, Lebermann, Linn, Trevino
Noes: None

ZONING ORDINANCE

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 9.38 ACRE TRACT OF LAND, LOCALLY KNOWN AS 2141 RUTLAND DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Alamo Steel & Machine Company, C14-73-253 [Area Study])

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino, Mayor Friedman

Noes: None

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE POSTPONED

The Council postponed the following zoning ordinance:

HOUSING AUTHORITY	750-826 Ed Bluestein	From "B" Residence
OF AUSTIN	Boulevard	To "D" Industrial
C14-73-239	Rear of 876-998 Ed	
By Forest S. Pearson	Bluestein Boulevard	
	6101-6403 Bolm Road	
	701-1015 Gardner Lane	

In response to Mayor Pro Tem Snell's question, Mr. Dick Lillie stated that the zoning was designated "B" Residence for the Housing Authority of Austin to build 200 public housing units. Shortly after that, the Courts prohibited the Public Housing Authority from doing this because it would continue the segregation pattern of housing in Austin. The Housing Authority proceeded to locate another site for public housing units and placed this tract into a zoning pattern which would be marketable. The area below Bolm Road to Ed Bluestein and from Ed Bluestein to the lake is designated Industrial in the comprehensive plan, and so the Planning Commission and the Council felt it was compatible with the plan and passed the zoning.

Councilmember Linn pointed out that this tract was located near to Johnston High School, Texas School for the Blind and basically "A" Residence and "B" Residence zoning in the area. Mayor Pro Tem Snell pointed out that this is being brought up right before the zoning rollback that is being discussed at this time.

Mayor Pro Tem Snell moved that consideration of this item be postponed until he received a complete map of the area showing the vicinity east of Airport Boulevard. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,
Trevino, Mayor Friedman, Mayor Pro Tem Snell

Noes: None

AMENDING CAPITAL IMPROVEMENTS PROGRAM - POSTPONED

The Council was to consider an ordinance amending the Capital Improvements Program to reappropriate funds for the Operating Budget of the General Funds and appropriating accumulated reserves in the Vehicle Replacement funds to the Operating Budget of the General Funds; however, this item was postponed for one week to discuss concerns expressed by certain citizens.

AMENDING THE HISTORIC LANDMARK COMMISSION ORDINANCE POSTPONED

The Council also postponed consideration of an ordinance amending the Historic Landmark Commission Ordinance to delete quorum requirements and authorize the Commission to establish their own quorum requirements. Mr. Lillie stated that this was an amendment to the Zoning Ordinance, which would need a public hearing by the Planning Commission and recommendation. That hearing will be conducted July 27, 1976 by the Commission.

AMENDING WATER RATE ORDINANCE

The Council had before it for consideration amending the Water Rate Ordinance to allow a second water tap without payment of the capital increment fee for lawn and garden irrigation purposes at single-family residential units.

Councilmember Himmelblau stated that she had received a number of phone calls complaining about the wastewater charges. These calls have come from persons who garden in the winter and they are interested in installing a separate meter for outside watering. Since there would be very few people concerned with this, particularly if it was restricted to single-family residents, she proposed that the City Attorney bring back to the Council an amendment to the Water Rate Ordinance allowing a second water tap without payment of the capital increment fee for lawn and garden irrigation purposes at single-family residential units. Mayor Friedman suggested that this would probably take about one month to complete.

NORTHWEST RECREATION CENTER SITE RECOMMENDATIONS

The Council had before it for consideration from the Parks and Recreation Advisory Board recommendations of the location for the Northwest Recreation Center Site. Mayor Friedman pointed out that this was only a report and no action would be taken today as to approval of a site.

Mr. Jack Robinson, Director of Parks and Recreation, stated that this item had been considered for several weeks by the Parks and Recreation Advisory Board with numerous properties being looked at for the site location. The three City sites that seemed to be the most feasible are:

1. Far West Boulevard
2. Gullett Elementary School
3. Northland

After review of each site by the Parks and Recreation Board, they recommended the site located at Far West Boulevard as their first choice; the site at Gullett Elementary School as their second choice; and Northland property as their third choice. The Far West Boulevard site was selected with the understanding that Far West Boulevard would be extended to Shoal Creek Boulevard at some date in order to give better access to the recreation center site. If this could not be done, then the Parks Board felt that the center should be built at the Gullett Elementary School site.

In response to Councilmember Linn's question, Mr. Robinson stated that this recreation center would serve the area immediately around it, and pointed out that it would be the only recreation center located in Northwest Austin. Money is presently available in the CIP for the center.

Mr. Robinson stated that as far as involving the neighborhood organizations when deciding on a site, there have been at least two meetings with the Allandale Neighborhood Association as well as several others. Signs have been posted on the property stating that it was being considered for a recreation center.

TOM OAKLAND, representing the Allandale Neighborhood Association, stated that the Association favored the site located on Northland and reviewed the reasons for this recommendation.

TOM HARWELL opposed any plans for a recreational center and felt that the City could not afford one. Mr. Harwell stated it would cause his taxes to be raised as well as his utilities.

WOODROW SLEDGE, representing Austin Independent School District, stated that he agreed with the recommendations of the Parks and Recreation Advisory Board and felt that recreational centers served a vital purpose in bringing all segments of the community together. Mr. Sledge suggested that if the center is located at the Gullett site, that it be in the southwest corner of the site.

IRENE CUNNINGHAM, a resident on Janey Drive, commented that the back fence of her property was also one of the boundaries of Gullett School and did not want the center immediately out of her back door.

Mr. Robinson commented that a public hearing regarding this site selection could be held on July 29, 1976, without any problems.

Motion

Mayor Friedman moved that the Council set a public hearing on July 29, 1976, at 2:30 p.m. to consider the location for the Northwest Recreation Center. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor
Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None

Mayor Friedman suggested that Mr. Robinson contact all of the neighborhood associations involved and place signs on the three properties that are being considered.

ANNOUNCEMENTS

Mayor Friedman announced that the next Council meeting would be a night meeting and that the Council would meet in an Executive Session at 6:00 p.m. prior to the meeting.

Councilmember Lebermann announced that there was a TIP hearing at Johnston High School to be held at 7:00 p.m. tonight and the public was welcome.

ADJOURNMENT

The Council adjourned at 5:15 p.m.

APPROVED

Mayor

ATTEST:



City Clerk